

# SURVEY FOR NON-PROFIT PROVIDERS OF LEGAL SERVICES ON REGULATION OF NON-PROFIT LEGAL SERVICES PROVIDERS

***On March 9, 2006, the California Supreme Court ruled in Frye v. Tenderloin Housing Clinic, Inc., 38 Cal.4th 23, 40 Cal.Rptr.3d 221 (2006), that non-profit corporations providing legal services in California are not subject to State Bar registration requirements and other regulations that govern for-profit professional law corporations. In doing so, the Supreme Court directed the State Bar to conduct a study to determine if regulation of non-profit legal service providers (like legal aid societies, public interest entities, and membership organizations that provide legal services to the public) is needed.***

***As a result, the State Bar is seeking information from the legal community, members of the public, legal service providers and others regarding their knowledge of and experience with non-profit legal services. The attached Agenda Item from the State Bar's Board of Governors describes in further detail the purpose of this survey.***

***You have been selected to receive this survey in light of the fact that you are affiliated with a non-profit legal service entity. The State Bar is very interested in receiving and considering the perspective of legal services providers on this subject, as they are the focus of the Frye decision and of this survey.***

***Please take a moment to review the short questionnaire below and provide any relevant data that may be of assistance to the State Bar on this subject. If you prefer, please provide your comments in narrative or any other form to the address below.***

1. What type of organization are you affiliated with:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> IOLTA-funded program               | <input type="checkbox"/> LRS                      | <input type="checkbox"/> local bar association             |
| <input type="checkbox"/> court-based self-help center       | <input type="checkbox"/> domestic violence clinic | <input type="checkbox"/> faith-based program               |
| <input type="checkbox"/> small claims program               | <input type="checkbox"/> legal services clinic    | <input type="checkbox"/> community-based mediation program |
| <input type="checkbox"/> other non-profit (please describe) |   |  |

2. Number of Staff: \_\_\_\_; Number of Office Locations: \_\_\_\_; Annual Budget: \$\_\_\_\_

Range of salaries for staff attorneys (annually): \$\_\_\_\_ to \$\_\_\_\_

Number of Clients Served Annually: \_\_\_\_\_

3. Service Areas (check all that apply):

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Family law              | <input type="checkbox"/> Consumer issue    | <input type="checkbox"/> Immigration                |
| <input type="checkbox"/> Housing                 | <input type="checkbox"/> Elder/senior law  | <input type="checkbox"/> Health                     |
| <input type="checkbox"/> Bankruptcy              | <input type="checkbox"/> Domestic violence | <input type="checkbox"/> Public assistance programs |
| <input type="checkbox"/> Other (please describe) |  |   |

4. If your organization charges fees, other than reimbursement for out-of-pocket expenses, please check all that describe your fee practices: \_\_\_flat fee \_\_\_sliding scale fee \_\_\_contingency fee \_\_\_percentage fee \_\_\_other (please describe)

5. a.) Does your agency use a client satisfaction questionnaire or any other method of measuring client satisfaction? \_\_\_YES \_\_\_NO  
b.) If NO, how does your agency assess the quality of services provided?

6. How are client complaints handled? (Please attach a client grievance procedure and or other relevant forms.)

7. In the last 3 years, how many clients have filed complaints with your organization?

| Year | # of complaints | General nature of complaints |
|------|-----------------|------------------------------|
| 2003 |                 |                              |
| 2004 |                 |                              |
| 2005 |                 |                              |

8. a.) Has your organization, or any of your staff attorneys or volunteer attorneys, involving their work with your program, ever been sued by a client? \_\_\_YES \_\_\_NO  
b.) If YES, please provide year, nature of lawsuit and outcome:

9. Briefly describe the internal controls that your non-profit organization has in place to ensure that the interests of the clients who receive legal assistance are protected (please feel free to attach an explanation, if that is available in another document.)

10. What does your organization do to assure that there is no non-attorney interference with the exercise of independent judgment exercised by attorneys serving the program?

11. a.) How many members are there on your board of directors? \_\_\_\_  
b.) How many are lawyers? \_\_\_\_ How many are non- lawyers? \_\_\_\_

12. a.) Do your board members receive any stipend or other compensation for serving on the board? \_\_\_YES \_\_\_NO  
b.) If YES, please describe:

13. Please describe the involvement of your board or individual board members in the legal work of your office, including the process of selecting cases, directing representation, agreeing to settlements, etc:
14. a.) Do you take fee-generating cases? \_\_\_\_\_ YES \_\_\_\_\_NO  
b.) Please describe.
15. When attorney fees are awarded to your program, how are they handled? How do you decide how to allocate fees?
16. Describe the primary difference between the legal services provided by your agency and the services provided by a for-profit law office.
17. a.) Currently, an attorney who provides legal representation to anyone in California must be licensed to practice law by the State Bar of California. Additionally, legal entities like corporations and limited liability partnerships that are legal entities under California law, must also be certified to practice law, separately from the individual attorneys within the organization.
- Do you have any opinion, based on your experience, as to whether non-profit public benefit corporations formed under California law that employ attorneys to represent members of the public should also be registered or certified by the State Bar of California to practice law as entities?
- \_\_\_\_\_ YES, they should be registered or certified by the State Bar of California
- \_\_\_\_\_ NO, these entities should be exempt because of their non-profit status
- \_\_\_\_\_ NO opinion or don't know
- b.) Please explain your thoughts on this subject and provide factual examples if you can.
18. a.) In a for-profit corporate entity legal practice, it is assumed that the profit motive pushes toward the margins of ethical behavior and thus regulation of the entity is necessary. In the non-profit model, do ideological and/or profit motives do the same, warranting the same type of regulation for non-profit entities as for-profit legal practices? \_\_\_\_\_YES \_\_\_\_\_NO
- b.) Please explain your thoughts on this subject and provide factual examples if you can.
19. What, if any, benefits do you see in a registration system for providers of non-profit civil legal services?

20. Please describe an effective registration/regulatory system for non-profit law practices in California from your perspective.
21. What do you see as the potential detriments of or barriers to some kind of registration system for non-profit providers of civil legal services?
22. Additional Comments:

In case we would like to verify or discuss your answers with you in further detail, we request the following information. This is entirely voluntary and not necessary for your response to be counted.

Name of organization\_\_\_\_\_

Address\_\_\_\_\_

Name of respondent\_\_\_\_\_ Title\_\_\_\_\_

Preferred Contact  
Phone Number\_\_\_\_\_ E-mail\_\_\_\_\_

**Thank you very much for taking the time to respond to this survey. Your response is greatly appreciated.**

Please return this survey by mail, facsimile or e-mail by January 31, 2007 to:

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